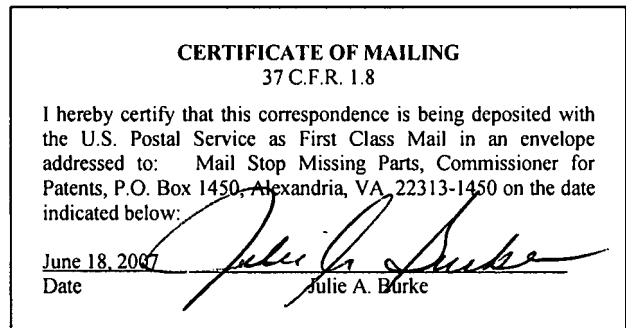


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number. : 10/561,130  
 Applicant : Edgar Dießel et al.  
 Title : IR-ATR-BASED PROCESS FOR ANALYZING VERY SMALL AMOUNTS  
 OF SAMPLE IN THE NANOLITER RANGE  
 Filed : December 16, 2005  
 TC/A.U. : Unassigned  
 Examiner : Unassigned  
 Docket Number : MSE-40DC001WO  
 Customer Number : 70,001

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450



**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 U.S.C. § 371  
 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Commissioner:

In response to the Notice to File Missing Requirements, dated January 26, 2007, there are enclosed herewith:

- (a) Declaration and Power of Attorney executed by Edgar Dießel, Stefan Willmann, Peter Kamphaus and Frank Lison;
- (b) A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- (c) A Petition for a Three-Month Extension of Time.

The Commissioner is authorized to charge the Late-Filing of Declaration fee (\$130.00) and the Three-Month Extension fee (\$1,020.00) and any other necessary fees (except for payment of the issue fee) to Nixon Peabody Deposit Account No. 50-4181 (247082-000213USPX).

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

Date: June 18, 2007



John C. Gatz  
Registration No. 41,774  
NIXON PEABODY LLP  
161 N. Clark Street, Ste. 4800  
Chicago, Illinois 60601  
(312) 425-3900 - telephone  
(312) 425-3909 - facsimile

Attorneys for Applicants

06/26/2007 LLANDGRA 00000047 504181 10561130  
01 FC:1617 130.00 DA

# Bayer Business Services



Bayer HealthCare LLC  
Diabetes Care Division  
Law & Patent Department  
1884 Miles Avenue  
Elkhart, IN 46514

USA


Attn. Ms. Laurie Companion

Dear Ms. Companion,

**Re:** Bayer Reference No. 04DC001

With reference to your email of March 21, 2007, we enclose the document(s) listed below.

Yours sincerely,  
Bayer Business Services GmbH

  
(ppa. Dr. H. Lütjens)  
Patents and Licensing

☒ Declaration for Patent Application

☐ Power of Attorney

**29. Mai 2007**

KK/jm

Le A 36 631

**Bayer Business  
Services GmbH**  
Law & Patents  
Patents and Licensing  
51368 Leverkusen  
Germany

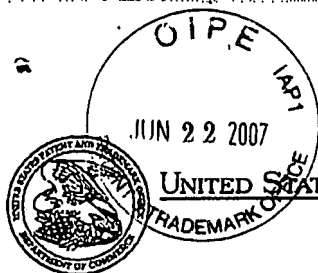
Tel. +49 (0)214-30-7 11 66  
Fax +49 (0)214-30-96-7 77 17  
BBS-Patentservice@bayerbbs.com  
www.BayerBBS.com

Executive Board:  
Andreas Resch,  
Managing Director  
Norbert Fieseler

Chairman of the  
Supervisory Board:  
Klaus Kühn

Registered Office:  
Leverkusen  
Local Court Köln  
HRB 49895

POT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

213USPK

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/561,130	Edgar Diebel	04DC001 WO
INTERNATIONAL APPLICATION NO.		
PCT/IB04/02135		
I.A. FILING DATE	PRIORITY DATE	
06/23/2004	06/27/2003	

53651  
 BAYER HEALTHCARE, LLC  
 555 WHITE PLAINS ROAD  
 TARRYTOWN, NY 10591

COPY

CONFIRMATION NO. 6101

371 FORMALITIES LETTER



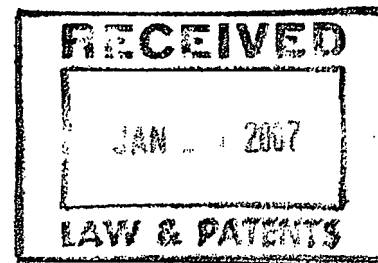
\*OC000000022159391\*

Date Mailed: 01/26/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/16/2005
- Copy of the International Search Report filed on 12/16/2005
- Preliminary Amendments filed on 12/16/2005
- U.S. Basic National Fees filed on 12/16/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,130	PCT/IB04/02135	04DC001 WO